

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3558-06
Bill No.: Truly Agreed To and Finally Passed SS for SCS for HCS for HB 1026
Subject: Crimes and Punishment; Funerals and Funeral Directors.
Type: Original
Date: May 24, 2006

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Director's Office** and the **Veterans' Commission** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Corrections (DOC)** state the bill prohibits protest activities during funerals. Penalty provisions for violations, the component of the bill to have potential fiscal impact for DOC, is for a class A misdemeanor.

Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender, per day or an annual cost of \$1,150 per offender).

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

ASSUMPTION (continued)

In response to a previous version of the proposal, officials from the **Office of Prosecution Services** stated the proposal will not have a significant direct fiscal impact on county prosecutors.

In response to a previous version of the proposal, officials at the **Office of State Public Defender (SPD)** stated they cannot assume that existing staff will provide competent, effective representation for any new cases arising where indigent persons are charged with the proposed new crime of protesting during a funeral service. This new crime will require more Public Defender resources.

Passage of bills increasing penalties on existing crimes, or creating new crimes, requires the State Public Defender System to further extend resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

In response to a previous version of the proposal, officials from the **Platte County Sheriff's Office** assumed no significant fiscal impact to the county if the bill passes.

Officials from the **St. Joseph Police Department** stated the legislation should have no fiscal impact.

Officials from the **Buchanan County Sheriff's Office** stated their office may incur some investigative costs, depending on the violations and the complexity of the investigation.

<u>FISCAL IMPACT - State Government</u>	FY 2007	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2007	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This bill makes it a class B misdemeanor to picket or protest in front of or about any location at which a funeral is held within one hour prior to the commencement of any funeral and until one hour following the cessation of any funeral. Any subsequent violation will be a class A misdemeanor. Currently, a person is prohibited from picketing or protesting in front of or about any church, cemetery, or funeral establishment.

The proposal has an emergency clause and a contingency clause.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Office of Prosecution Services
Office of the State Public Defender
Department of Corrections
St. Joseph Police Department
Platte County Sheriff
Buchanan County Sheriff



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Mickey Wilson, CPA

Director

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